

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Manuel CABRERA-Riys,


Defendant

) Magistrate Docket No. 08 MJ 1246
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326 *KMH*
) Deported Alien Found in the
) United States
)
)
)
)

The undersigned complainant, being duly sworn, states:

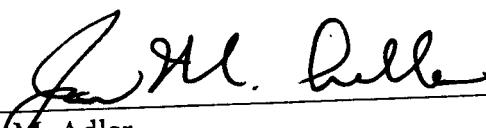
On or about **April 21, 2008** within the Southern District of California, defendant, **Manuel CABRERA-Riys**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF APRIL, 2008



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Manuel CABRERA-Riys****PROBABLE CAUSE STATEMENT**

On April 21, 2008 at approximately 5:15 P.M., dispatch advised via service radio of a seismic sensor activation near the area commonly known as "The 33 Draw." This area is approximately four miles west of the San Ysidro, California, Port of Entry and approximately 500 yards north of the United States/ Mexico International Border.

Agent L. Mescia, responded to the area and after a brief search found five individuals hiding. Agent Mescia identified himself as a Border Patrol Agent, and conducted an immigration inspection. All five subjects, including one later identified as the defendant **Manuel CABRERA-Riys**, admitted to being citizens of Mexico without any immigration documents that allowed them to legally enter or remain in the United States. Agent Mescia arrested the five individuals and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 22, 2008 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.